

FORM PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

043888-0511

U.S. APPLIC. NO. (if known; see 37 CFR 1.5)  
Not Yet Assigned  
**10/593459**INTERNATIONAL APPLICATION NO  
PCT/JP2005/024145INTERNATIONAL FILING DATE  
December 28, 2005PRIORITY DATE CLAIMED  
December 28, 2004TITLE OF INVENTION  
FUEL CELL AND FUEL CELL STACK COMPRISING THE SAME

## APPLICANTS FOR DO/EO/US

Maho GEMBA, Yasuo TAKEBE, Yoichiro TSUJI, Yoshihiro HORI, Yasuhiro SEKI

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1.  This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2.  This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3.  This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4.  The US has been elected (Article 31).
5.  A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a.  is attached herewith (required only if not transmitted by the International Bureau).
  - b.  has been communicated by the International Bureau.
  - c.  is not required, as the application was filed in the United States Receiving Office (RO/US)
6.  An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
7.  Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a.  are attached hereto (required only if not transmitted by the International Bureau).
  - b.  have been communicated by the International Bureau.
  - c.  have not been made; however, the time limit for making such amendment has NOT expired.
  - d.  have not been made and will not be made.
8.  An English translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9.  An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10.  An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

## Items 11. to 16. below concern other document(s) or information included:

11.  An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12.  An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13.  A preliminary amendment.
14.  An Application Data Sheet under 37 CFR 1.76.
15.  A substitute specification.
16.  A power of attorney and/or change of address letter.
17.  A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18.  A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19.  A second copy of the English translation of the International Application under 35 U.S.C. 154(d)(4).
20.  Other items or information.
  - 1) Front Page of the International Application
  - 2) PCT/IB/301
  - 3) PCT/IB/304
  - 4) PCT/IB/308
  - 5) PCT Request
  - 6) International Search Report

U.S. APPLIC. NO. (if known, see 37 CFR 1.50) Not Yet Assigned <b>107593459</b>	INTERNATIONAL APPLICATION NO. PCT/JP2005/024145	ATTORNEY'S DOCKET NUMBER 043888-0511		
		CALCULATIONS PTO USE ONLY		
21. <input checked="" type="checkbox"/> The following fees are submitted:				
<input checked="" type="checkbox"/> Basic National Stage Fee \$300		\$300		
22. <input checked="" type="checkbox"/> Examination Fee If the written opinion prepared by ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 All other situations \$200		\$200		
23. <input checked="" type="checkbox"/> Search Fee (37CFR 1.492(b))  If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) \$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority \$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB \$400 All other situations \$500		\$400		
<b>TOTAL OF 21, 22 and 23 =</b>		\$900		
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.		\$		
Total Sheets	Extra Sheets	Number of each additional 50 or fraction Thereof (round up to a whole number)	RATE	
160-100	60/50=	2	X\$250	\$500
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$		
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE
Total Claims		-20 =		x \$50.00 \$
Independent Claims		-3 =		x \$200.00 \$
Multiple dependent claim(s) (if applicable)			+ \$360.00	\$
		<b>TOTAL OF ABOVE CALCULATIONS =</b>	\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.		\$		
		<b>SUBTOTAL =</b>	\$1400	
Processing fee of \$130.00 for furnishing the English translation later than the 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		+	\$	
		<b>TOTAL NATIONAL FEE =</b>		
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property		+	\$	
		<b>TOTAL FEES ENCLOSED =</b>	\$	
		Amount to be refunded	\$	
		Amount to be charged	\$1400	
a. <input type="checkbox"/>	A check in the amount of \$ _____ to cover the above fees is enclosed.			
b. <input checked="" type="checkbox"/>	Please charge my Deposit Account No. <u>500417</u> in the amount of \$ <u>1400</u> to cover the above fees. A duplicate copy of this sheet is enclosed.			
c. <input checked="" type="checkbox"/>	The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>500417</u> . A duplicate copy of this sheet is enclosed.			
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.				
SEND ALL CORRESPONDENCE TO: Customer Number 20277 Telephone: 202.756.8000 Facsimile: 202.756.8087				
<p style="text-align: center;">SIGNATURE Michael E. Fogarty NAME 36139 REGISTRATION NUMBER</p>				

IAP13 Rec'd PCT/PTO 19 SEP 2006

10/593459

The PTO did not receive the following  
listed item(s)

NO POST CARD